

REMARKS

In the Office Action, the Examiner took the following actions:

objected to claims 2 and 4;

rejected claims 1-7 under 35 U.S.C. § 112, second paragraph; and

rejected claims 1-7 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2003/0106037 ("Moniwa)."

Claims 8-20 stand withdrawn and claims 1-7 remain under examination.

Applicants have amended claims 1-7. Claims 2 and 4 are amended in response to the Examiner's objection at page 2 of the Office Action. Applicants consider the objection addressed and respectfully request that the Examiner withdraw his objection.

Applicants respectfully traverse the rejection of claims 1-7 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. At page 2 of the Office Action, the Examiner contends that, for example, "resizing quantity," "space area," and "space width," recited in claim 1, "render the claim indefinite since it is unclear as to what the phrases are meant to encompass." Office Action at 2. In addition, the Examiner contends that claim 1 omits "essential structural/functional relationships and elements." Id. The Examiner also contends that "determined by the window portion," recited in claim 5, "renders the claim incomplete since the relationship of the phrase to the elements within the claim is not clearly established." Id. at 3. Finally, the Examiner rejected claims 2, 3, and 7 based on alleged informalities. Id. at 2-3. Applicants respectfully disagree.

In order to reject claimed subject matter under 35 U.S.C. § 112, second paragraph, the Examiner must show that the claims "do not set forth the subject matter

that applicants regard as their invention.” M.P.E.P. § 2171. In the alternative, the Examiner may show that the claims fail to “particularly point out and distinctly define the metes and bounds of the subject matter that will be protected by the patent grant.” Id.

“Resizing quantity,” “space area,” “space width,” and “window portion” are recited in Applicants’ specification at, for example, page 10, line 22 - page 11, line 4; page 13, lines 2-9; and page 13, lines 15-17, with reference to Figs. 3 and 4. Accordingly, Applicants have clearly set forth the subject matter regarding as their invention and particularly pointed out and distinctly defined the metes and bounds of the claimed subject matter. Accordingly, Applicants respectfully traverse the rejection of claims 1 and 5 for allegedly being indefinite under 35 U.S.C. § 112, second paragraph.

In order to advance prosecution, however, Applicants have amended claims 1, 2, 3, 5 and 7 to even more clearly define the claimed subject matter recited therein. Claims 2, 5, 6, and 7 are also amended in order to correct minor informalities and to recite language consistent with amendments to claims 1-7. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1-7 under 35 U.S.C. § 112, second paragraph.

Applicants respectfully traverse the rejection of claims 1-7 under 35 U.S.C. § 102(e) as being anticipated by Moniwa. Moniwa fails to anticipate the claims.

In order to support a rejection under 35 U.S.C. § 102, each and every element of each claim in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” See M.P.E.P. § 2131,

quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989).

Claim 1 recites “generating resized data by enlarging the design patterns of the design data by a predetermined resizing quantity; and generating first mask data by filling a space area between the enlarged design patterns.” In contrast, Moniwa discloses generating a “dummy pattern in space between aperture patterns for shifter patterns.” Moniwa, para. [0019]. However, Moniwa is silent on “generating resized data by enlarging the design patterns” and accordingly cannot teach “generating first mask data by filling a space area between the enlarged design patterns,” as recited in claim 1.

Moreover, Moniwa is silent on “generating second mask data. . . having a window portion for selectively exposing an area,” also recited in claim 1. Moniwa teaches trim patterns in Fig. 1C, dummy gate patterns in Fig. 5E, and shifter patterns in Fig. 5F. However, none of the patterns taught by Moniwa include “a window portion,” as recited in claim 1. Accordingly, Moniwa cannot teach “generating second mask data. . . having a window portion for selectively exposing an area,” (emphasis added) as recited in claim 1.

Moniwa fails to teach each and every element recited in claim 1 and thus does not anticipate claim 1. Claims 2-7 depend from claim 1 and are allowable at least due to their dependence from claim 1. Accordingly, Applicants respectfully request reconsideration of the this application and that the Examiner withdraw the rejection of claims 1-7 based on Moniwa.

In view of the foregoing amendments and remarks, Applicants respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

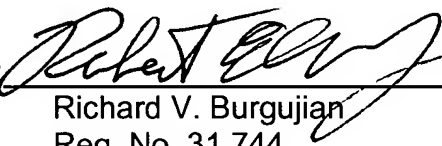
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By:

 #27432
Richard V. Burgujian
Reg. No. 31,744
